

To the Honourable, the Knights, Citizens, and Burgesses of the
 Commons House of Parliament. The Humble Petition of Ierom Hawley Esquire, for
 and on the behalfe of Phillip Sture an infant, the sonne and heire of Tristram Sture.

No 40.

Phillip Sture.

John Sture.

Henry	Tristram
Henry, who died without issue.	Philip, six yeeres old.
Frances a daughter 15. yeeres old.	 yeeres old



Sturz



Vmbly sheweth, That Phillip Sture the common ancestor, 21. Eliz. vpon the marriage of John Sture his son and heire, with Elizabeth one of the daughters of Sir Robert Denis, made a conveyance of his Lands, whereof the greatest part he limited by that conveyance, to the heires males, some to the heyres of the body of John Sture. And the rest he suffered to descend in fee-simple.

This estate taile, hath bin found in fourre seuerall succeeding Offices, vpon the seuerall deaths of Phillip Sture, John Sture, Henry Sture, & Henry Sture, wherof in the 2. first offices the deeds are found in *becc verba*.

There are fifty Leafes, all reseruing rent to the heires males, whereof the first Lease recites a power contained in the deed of intaile to make Leafes.

Yet Sir Miles Fletwood, hauing gotten the Wardship of Frances the heire generall, and to aduance a marriage for his sonne after 35. yeeres peace, that is to say, Hil. 12. Iac. to draw into question this intaile against Tristram then heire male, did so farre preuaile, as that Hil. 13. Iac. he obtained a Decree.

- This Decree hath these parts.
- 1. It doth direct a Iury in matter of fact, and commandeth them to finde, that the most part of the Lands limited to the heires male, did not passe by the conveyance.
 - 2. It restraines a Iury to finde otherwise then is thereby directed.
 - 3. It inioynes the defendant from giuing of euidence vnto the Iurie.
 - 4. It forbids the Commissioners to take any verdict offered by the Iury, if it pursue not the directions of the Decree.

Sir Miles Fletwood vpon this Decree tooke forth three seuerall Commissions, 18. Martij, 13. Iac. a Iury was impannelled in the Country, heard their euidence, were agreed for the heire male. Sir Miles Fletwood, a iudicall officer in the Court, did prosecute this cause in person, and discouering the opinion of the Iury, did publikely chide them, and with much importunity perswaded the Iury to craue further time to consider of their euidence: and thereupon at the instance of Sir Miles Fletwood they were adiourned ouer vnto the next Sessions.

But in the meane time, Sir Miles got that Iury to be discharged vpon a bare suggestion, that the Iury was too meane to trie so great a matter: whereas M. Thomas Jaffe the Foreman, is a wisc vnderstanding Gentleman, and hath aboue 800. li. Land *per annum*, and 14. of the rest of that Iury, he that had least, was worth 3000. li.

In Easter Terme, 14. Iac. a new Iury of Esquires and Gentlemen was returned, in July 14. Iac. they heard their euidence in the Country (Sir Miles stil prosecuting in person.)

But Sir Miles Fletwood afterward perciuing, that the Iury had declared themselues to be against his pretended Title, got that second Iury likewise to be discharged, and a new Iury of Knights and Esquires to be returned, who were enioyned to appeare at the barre. Which Iury accordingly appeared in Easter Terme, 15. Iac. the heire male brought his witneses out of Deuon, & his Councell to the barre. But none were heard, the Iury was sent from the barre, and charged to finde according to the Decree. This matter being notorious to the Country, the Iury returned answer, that the Decree alone gaue their consciences no satisfaction, & vnlesse they might receiue euidence, they could finde no office. Whereupon after 3. or 4. dayes attendance, they were adiourned ouer til Michaelmas Terme following. No. 3. they appeared againe at the barre, continued still of the same minde, were bound to appeare *de die in diem*, were examined vpon Interrogatories, were threatened with fines and imprisonment, were continued so from day to day, aboue 3. weekes, and then M. Hingston dying in that seruice, the rest of the Iury were discharged.

By this time Sir Miles Fletwood did perciue, that able and vnderstanding men were not for his purpose; and therefore it was deuised, that a meaner Iury would be found more tractable, and thereupon a fourth Iury was returned, but that was so meane, as that vpon the Commissioners certificate, 8. of them were discharged for insufficiency, and 8. others put into their roomes.

This Iury was often summoned, but the example of the precedent Iury so terrified them, as that so long as there was any order to force them vp to the bar, they could neuer be drawne to appere: but that order being discontinued, the Iury presently appeared, were sworne and charged in the Country: the heire male brought his witneses and Councell; pressed the Commissioners to proceed, but the Councell for Sir Miles Fletwood pretended they were not ready, and therefore desired, that the Iurie might be discontinued, which vpon their motion was done accordingly.

This Iury being thus discharged, Sir Miles inuented a new project, got an order for the resummoning of the same Iury againe, drew paper draughts of such offices as he desired to be found, procured the Court to signe those paper draughts, and by order to giue directions vnto the Commissioners, not onely to fine the Iury, but likewise to bind them ouer to the barre, if they refused to finde the said offices.

Depending this Iury, the heire male was a sutor to the Court to review the Decree, & vpon a long suit, and many daies hearing in Court, by the honorable Iustice of the now Master, the heire male was set at liberty from that Decree.

Onely this inconuenience still rests vpon the heire male, That there is a sixt Iury returned, and by the solicitation of S. Miles they are enioyned to appeare at the bar, there to heare their euidence. This course is conceiued to be,

1. A great taxation to the Country, to draw Iurors to London, almost 200. miles from their dwellings, to finde offices.
2. A great mischiefe to the heire male. For by this deuise, he shall lose the benefit of his witneses, they being many in number, and some of them blinde and very old, and cannot be brought to London, beside the great charge hee hath already sustayned, amounting to 1200. li. by meanes of this vexation.

Sir Miles Fletwood hath bin finding of an office now full 7. yeares and more. He hath had 14. seuerall Commissions, and 6. seuerall Iuries. Those Iuries haue attended aboue 20. seuerall adiournments. The Wards rents are sequestred. His Maiestie is kept by these suits, from the composition and benefit of Wardship.

Therefore it is humbly prayed, That by the wisedome of this honourable Parliament, some prouision may be made:

1. That the conscience of Iurors be not from henceforth restrained in questions of fact.
2. That the subiect may be at liberty to giue euidence.
3. That no Iury be drawne to the Barre, out of the proper Countie to finde any office.
4. That no Officer be an informer in the same Court.